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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,120	01/24/2002	Kunihiko Tashino	218358US0PCT	6810

22850 7590 03/12/2004

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EXAMINER

BROWN, JENNINE M

ART UNIT PAPER NUMBER

1755

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/030,120	Applicant(s) TASHINO ET AL.	
	Examiner Jennine M. Brown	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/24/2002</u> . | 6) <input type="checkbox"/> Other: ____ |

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Job (US 5162277 A).

Job discloses a solid catalyst component for polymerization of olefins comprising a magnesium compound (col. 3, l. 18-57; col. 4, l. 4-30), titanium tetrachloride (col. 4, l. 65), phthalic acid diester (col. 5, l. 18 – col. 6, l. 10) and hydroxyl group containing hydrocarbon (col. 3, l. 58 – col. 4, l. 3) as well as organoaluminum cocatalyst (col. 6, l. 12-28) and organosilane selectivity control agent (col. 6, l. 29-61). (clms 1-12 – col. 11, l. 10 – col. 12, l. 31)

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata, et al. (US 4950630 A).

Murata, et al. disclose a solid catalyst component for polymerization of olefins comprising a magnesium compound (col. 2, l. 55 – col. 3, l. 7), titanium tetrachloride (col. 6, l. 18), phthalic acid diester (col. 4, l. 40 – col. 6, l. 12) and hydroxyl group containing hydrocarbon (col. 3, l. 8-27; col. 4, l. 8-37) as well as organoaluminum cocatalyst (col. 9, l. 6-62) and organosilane selectivity control agent (col. 3, l. 30-48; col. 10, l. 10-35) as well as mercaptan electron donor compound (col. 5, l. 40 – col. 6, l. 12; col. 10, l. 7-9, 53-54).

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Claims 1, 3-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner, et al. (US 5567665 A).

Wagner, et al. discloses a solid catalyst component for polymerization of olefins comprising a magnesium compound (col. 3, l. 16 – col. 7, l. 33), titanium tetrachloride (col. 9, l. 26-35), phthalic acid diester (col., 8, l. 31 – col. 9, l. 25) and hydroxyl group containing hydrocarbon (col. 7, l. 62 – col. 8, l. 30) as well as organoaluminum cocatalyst (col. 10, l. 53 – col. 11, l. 25) and organosilane selectivity control agent (col. 11, l. 39 – col. 12, l. 18).

Claims 1, 3-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Zum Mallen (US 5962361 A).

Zum Mallen discloses a solid catalyst component for polymerization of olefins comprising a magnesium compound (col. 5, l. 36), titanium tetrachloride (col. 5, l. 7; col. 9, l. 1-10), phthalic acid diester (col. 12, l. 66 – col. 13, l. 16) and hydroxyl group containing hydrocarbon (col. 5, l. 46-63; col. 7, l. 23-42; col. 8, l. 35-56) as well as organoaluminum cocatalyst (col. 14, l. 22-43) and organosilane selectivity control agent (col. 14, l. 45-67). (col. 4, l. 33-50)

Claims 1, 3-10 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Hosaka (US 6156690 A).

Hosaka discloses a solid catalyst component for polymerization of olefins comprising a magnesium compound (col. 3, l. 4-56; col. 7, l. 31 – col. 9, l. 57), titanium tetrachloride (col. 4, l. 37-55), phthalic acid diester (col. 5, l. 9-16) and hydroxyl group containing hydrocarbon (col. 4, l. 65;) as well as organoaluminum cocatalyst (col. 5, l. 61-65; col. 11, l. 25-38) and organosilane selectivity control agent (col. 5, l. 23-50; col. 11, l. 39 – col. 12, l. 40).

Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennine M. Brown whose telephone number is (571) 272-1364. The examiner can normally be reached on M-F 8:00 AM - 6:00 PM; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jmb



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